

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

ANTHONY & IASHA FRAZIER, et al

PLAINTIFFS

v.

Case No. 05-CV-4077

FORD MOTOR CO., et al

DEFENDANTS

**ORDER**

Before the undersigned is the motion to compel filed on July 12, 2006, by the separate defendant Graco Children's Products, Inc. (hereinafter "Graco"). (Doc. #21) The Plaintiffs' response was filed on July 24, 2006. (Doc. #25) The subject motion was referred to the undersigned for disposition by order entered on July 12, 2006. (Doc.. #22)

The motion asserts that the depositions of the plaintiffs are scheduled for August 25, 2006. Graco seeks an order compelling the plaintiffs to "demonstrate how the car seat was used the night of the car accident at their upcoming discovery deposition." (Doc. #21) The plaintiffs object to any compelled "reenactment." (Doc. #22)

From the motion and the response it is found that the motion to compel is premature. Although the plaintiffs object to any "reenactment," it is noted that the motion to compel indicates that Graco will ask the plaintiffs to "demonstrate how they placed their child in the Graco Smartfit Plus infant seat and buckled her in prior to the car accident." (Doc. #21) It cannot be determined at this time whether the demonstration as envisioned by Graco will constitute a reenactment to which the plaintiffs object.

Accordingly, the motion to compel should be and is denied as premature. Should a dispute arise at the deposition, Graco may renew its motion. *Federal Rules of Civil Procedure*,

*Rule 30(d)(4).*

IT IS SO ORDERED this the 11th day of August 2006.

/s/ Bobby E. Shepherd

HON. BOBBY E. SHEPHERD  
UNITED STATES MAGISTRATE JUDGE